

C<sub>2</sub>-C<sub>20</sub> alkenyl, C<sub>3</sub>-C<sub>8</sub> cycloalkyl, C<sub>5</sub>-C<sub>8</sub> cycloalkenyl, C<sub>6</sub>-C<sub>14</sub> aryl, phenyl, naphthyl;

- Group III: Claims 1-21, drawn in part to a process of preparing amines of the formula I [sic; III] wherein, R<sup>3</sup> and R<sup>4</sup> can be linked by bonds to form a heterocyclic ring and are independently selected from the group consisting of H, C<sub>1</sub>-C<sub>24</sub> alkyl, C<sub>2</sub>-C<sub>24</sub> alkynyl [sic; alkenyl], C<sub>2</sub>-C<sub>24</sub> alkynyl, C<sub>6</sub>-C<sub>10</sub> aryl, CF<sub>3</sub>; wherein R<sup>6</sup>-R<sup>9</sup>, in the mono-dentate or bi-dentate ligand, are independently selected from the group consisting of H, C<sub>1</sub>-C<sub>24</sub> alkyl, C<sub>2</sub>-C<sub>20</sub> alkenyl, C<sub>3</sub>-C<sub>8</sub> cycloalkyl, C<sub>5</sub>-C<sub>8</sub> cycloalkenyl, C<sub>6</sub>-C<sub>14</sub> aryl, phenyl, naphthyl;
- Group IV: Claims 1-21, drawn in part to a process of preparing amines of the formula I [sic; III] wherein, R<sup>1</sup> - R<sup>4</sup> are independently selected from the group consisting of H, C<sub>1</sub>-C<sub>24</sub> alkyl, C<sub>2</sub>-C<sub>24</sub> alkynyl [sic; alkenyl], C<sub>2</sub>-C<sub>24</sub> alkynyl, C<sub>6</sub>-C<sub>10</sub> aryl, CF<sub>3</sub>; wherein R<sup>6</sup> - R<sup>9</sup>, in the mono-dentate or bi-dentate ligand represent a C<sub>2</sub> - C<sub>13</sub> heteroaryl; and
- Group V: Claims 1-21, drawn in part to a process of preparing amines of the formula I [sic; III] wherein, R<sup>3</sup> and R<sup>4</sup> can be linked by bonds to form a heterocyclic ring and are independently selected from the group consisting of H, C<sub>1</sub>-C<sub>24</sub> alkyl, C<sub>2</sub>-C<sub>24</sub> alkynyl [sic; alkenyl], C<sub>2</sub>-C<sub>24</sub> alkynyl, C<sub>6</sub>-C<sub>10</sub> aryl, CF<sub>3</sub>; wherein R<sup>6</sup> - R<sup>9</sup>, in the mono-dentate or bi-dentate ligand represent a C<sub>2</sub> - C<sub>13</sub> heteroaryl.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office, citing PCT Rules 13.1 and 13.2, contends that the Groups I-V, lack unity because "the process claimed contain -CH-N- group which does not define a contribution over the prior art". In fact, Applicants note that the Office has not provided any references and/or explanation to support the position that the special technical feature does not establish an advance over the prior art. Therefore the Office has merely made a conclusion. Accordingly, the assertion made by the Office is without merit and must be withdrawn.

Further, Applicants wish to point out that MPEP § 1893.03(d) states that:

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature.

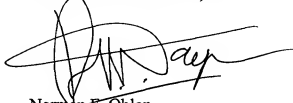
Whilst making no claims to patentability, Applicants, note that Groups I-V share a common special technical feature, Formula I. Accordingly, the criteria for unity of invention are satisfied. Therefore the Requirement for Restriction is not sustainable and should be withdrawn.

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. MPEP in §803.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Requirement for Restriction. Withdrawal of the Requirement for Restriction is respectfully requested.

Respectfully submitted,

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